

## **Copy of Commissioners of St. Mary's County Meeting Minutes (Tuesday, December 15, 2015)**

*Generated by Sharon Ferris on Friday, December 18, 2015*

### **Members present**

Commissioner President James R. Guy  
Commissioner Michael L. Hewitt  
Commissioner Tom Jarboe  
Commissioner Todd B. Morgan  
Commissioner John E. O'Connor  
Dr. Rebecca Bridgett, County Administrator  
Sharon Ferris, Recorder

### **1. WELCOME**

Commissioner President Guy called the meeting to order at 9:00 am in the Chesapeake Building meeting room, Governmental Center.

#### **Approval of Minutes**

I move to approve the minutes of December 8, 2015, as presented or amended.

Motion by Commissioner John E. O'Connor, second by Commissioner Todd B. Morgan.

Final Resolution: Motion Carries

Yea: Commissioners Guy, Hewitt, Jarboe, Morgan

Abstain: Commissioner John E O'Connor

### **2. COUNTY ADMINISTRATOR**

#### **A. Department of Public Works & Transportation – “No Parking” Ordinance - Arlington Drive**

I move to adopt the proposed Ordinance prohibiting parking on the designated portion of Arlington Drive, County Route 31162.

Motion by Commissioner Tom Jarboe, second by Commissioner John E. O'Connor.

Final Resolution: Motion Carries

Yea: Commissioners Guy, Hewitt, Jarboe, Morgan, O'Connor

#### **B. DEPARTMENT OF ECONOMIC DEVELOPMENT - Greenview Village Apartments Renovation and Budget Amendment**

I move to approve the Memorandum of Understanding between the County and the Housing Authority of St. Mary's County for funding of \$95,746 under the Workforce Housing Initiative Program, Project PF1402, to complete renovation of the Greenview Village Apartments and approve the related budget amendment that returns the remaining project funds in the amount of \$154,254 to the FIN16 Capital Reserve, and authorize the Commissioner President to execute the related documents.

Motion by Commissioner Tom Jarboe, second by Commissioner Michael L. Hewitt.

Final Resolution: Motion Carries

Yea: Commissioners Guy, Hewitt, Jarboe, Morgan, O'Connor

**C. DEPARTMENT OF ECONOMIC DEVELOPMENT - Termination of 5-Year Tax Credit Agreements for Four Parcels**

I move to authorize the Commissioner President to execute a release agreement terminating the St. Mary's County Agriculture Land Preservation District 5-Year Program on the properties located in Scotland, Maryland and recorded in St. Mary's County land records as Liber 3631, Folio 708; Liber 2855, Folio 362; Libre 2855, Folio 364 and Liber 2850, Folio 91.

Motion by Commissioner John E. O'Connor, second by Commissioner Tom Jarboe.

Final Resolution: Motion Carries

Yea: Commissioners Guy, Hewitt, Jarboe, Morgan, O'Connor

**D. DEPARTMENT OF ECONOMIC DEVELOPMENT - Budget Amendments for the Three Oaks Center Crisis Services CDBG Project**

I move to approve the budget amendments related to the Three Oaks Center Crisis Services Program that 1.) establish budget authority for the CDBG funding of \$320,994, and 2.) increase the budget allocation to the Three Oaks Center by \$96,034 and decrease County funding using the Commissioners' Emergency Reserve, and authorize the Commissioner President to execute the related documents.

Motion by Commissioner Tom Jarboe, second by Commissioner Todd B. Morgan.

Final Resolution: Motion Carries

Yea: Commissioners Guy, Hewitt, Jarboe, Morgan, O'Connor

**E. COUNTY ADMINISTRATOR - Mission Statement**

I move to approve the Mission Statement graphic as presented.

Motion by Commissioner John E. O'Connor, second by Commissioner Michael L. Hewitt.

Final Resolution: Motion Carries

Yea: Commissioners Guy, Hewitt, O'Connor

Abstain: Commissioners Jarboe, Morgan

**F. COUNTY ADMINISTRATOR - Appointment to Boards, Committees and Commissions with terms as indicated. (Agriculture, Seafood & Forestry Board)**

I move to approve the following person to Boards , Committees, or Commissions with the term to expire as indicated

Motion by Commissioner Todd B. Morgan, second by Commissioner Michael L. Hewitt.

Final Resolution: Motion Carries

Yea: Commissioners Guy, Hewitt, Commissioner Tom Jarboe, Commissioner Todd B Morgan, Commissioner John E O'Connor

**G. COUNTY ADMINISTRATOR** -Appointment to Boards, Committees and Commissions with Terms as Indicated. (Metropolitan Commission Board)

I move to appoint the following person to Boards, Committees, or Commissioners with the terms to expire as indicated:

Metropolitan Commission Board

Robert Russell (reappointment) 12/31/18

Motion by Commissioner Tom Jarboe, second by Commissioner Todd B. Morgan.

Final Resolution: Motion Carries

Yea: Commissioners Guy, Hewitt, Jarboe, Morgan

Nay: Commissioner O'Connor

**H. COUNTY ADMINISTRATOR** - To Appoint Members to Boards, Committees and Commissions with terms as indicated. (Southern Maryland Tri-County Council)

I move to appoint the the following person to Boards, Committees, or Commissions with the term to expire as indicated:

Southern Maryland Tri-County Council, St. Mary's County at-large-member

Helen Wernecke, for one year.

Motion by Commissioner Tom Jarboe, second by Commissioner Todd B. Morgan.

Final Resolution: Motion Carries

Yea: Commissioners Guy, Hewitt, Jarboe, Morgan, O'Connor

**I. COUNTY ADMINISTRATOR** - Approval of Employment Contract for Director, Human Resources

I move to approve the employment contract for Catherine Pratson, Director, Human Resources with a term start date of February 8, 2016.

Motion by Commissioner John E. O'Connor, second by Commissioner Todd B. Morgan.

Final Resolution: Motion Carries

Yea: Commissioners Guy, Hewitt, Morgan, O'Connor

Abstain: Commissioner Jarboe

**3. MAIN AGENDA ACTION ITEMS**

**A. OFFICE OF THE COUNTY ATTORNEY** - Decision on Legislative Proposals for 2016 Session of the General Assembly

**Present:** George Sparling, County Attorney

Mr. Sparling reviewed the legislative proposals and the Commissioners voted on each individually.

**2016 LEGISLATIVE PROPOSALS**

<b>NUMBER</b>	<b>LEGISLATIVE PROPOSAL</b>	<b>MOTION</b>	<b>COMMENT</b>	<b>VOTE</b>
1	Repeal CHAPTER 8 Auditor	I move to request repeal of Chapter 8. Auditor of the Code of St. Mary's County, Maryland.		M: Comm. O'Connor S: Comm. Hewitt <b>V: 5-0 PASS</b>
2	Repeal CHAPTER 19 Circuit Court	I move to request repeal of Chapter 19. Circuit Court of Code of St. Mary's County, Maryland.		M: Comm. Jarboe S: Comm. O'Connor <b>V: 5-0 PASS</b>
3	Repeal CHAPTER 38 Electrical Examiners	I move to request repeal of Chapter 38 Electrical Examiners of the Code of St. Mary's County, Maryland.		M: Comm. Morgan S: Comm. Jarboe <b>V: 5-0 PASS</b>
4	Repeal CHAPTER 43 Fences	I move to request repeal of Chapter 43 Fences of the Code of St. Mary's County, Maryland.		M: Comm. O'Connor S: Comm. Jarboe <b>V: 5-0 PASS</b>
5	Repeal CHAPTER 54 Foxes	I move to request repeal of Chapter 54 Foxes of the Code of St. Mary's County, Maryland.	1.)Letter to DNR 2.)Citizen Email 3.)Response from DNR 4.)Magazine Pages 18-20 5.)Letter from MAWC	M: Comm. Jarboe S: Comm. O'Connor <b>V: 5-0 PASS</b>
6	Repeal CHAPTER 61 Hucksters & Peddlers	I move to request repeal of Chapter 61 Huckster and Peddlers of the Code of St. Mary's County, Maryland.	1.)Citizen Email	M: Comm. O'Connor S: Comm. Jarboe <b>V: 4-1 PASS</b>
7	Repeal CHAPTER 68 Keeper of the Jail	I move to request repeal of Chapter 68 Keeper of the Jail of the Code of St. Mary's County, Maryland.	1.)Letter to Sheriff 2.)Verbal agreement from Sheriff, letter in metro mail.	M: Comm. O'Connor S: Comm. Morgan <b>V: 5-0 PASS</b>

8	Repeal CHAPTER 71 Landlord & Tenant	I move to request repeal of Chapter 71 Landlord and Tenant of the Code of St. Mary's County, Maryland.		M: Comm. Morgan S: Comm. Jarboe V: <b>5-0 PASS</b>
9	Repeal CHAPTER 73 Land Records	I move to request repeal of Chapter 73 Land Records of the Code of St. Mary's County, Maryland.		M: Comm. Jarboe S: Comm. O'Connor V: <b>5-0 PASS</b>
10	Repeal CHAPTER 77 Licenses	I move to request repeal of Chapter 77 Licenses of the Code of St. Mary's County, Maryland.		M: Comm. O'Connor S: Comm. Jarboe V: <b>5-0 PASS</b>
11	Repeal CHAPTER 92 Plumbing Code	I move to request repeal of Chapter 92 Plumbing Code of the Code of St. Mary's County, Maryland.	1.)Citizen Email	M: Comm. Jarboe S: Comm. Morgan V: <b>5-0 PASS</b>
12	Repeal CHAPTER 106 Retirements and Pensions	I move to request repeal of Chapter 106 Retirements and Pensions of the Code of St. Mary's County, Maryland.	1.)SMCG participates in the state pension plan. 2.)Citizen Email (LOSAP)	M: Comm. O'Connor S: Comm. Morgan V: <b>5-0 PASS</b>
13	Repeal CHAPTER 131 Tax Exemptions	I move to request repeal of Chapter 131 Tax Exemptions of the Code of St. Mary's County, Maryland.	1.)DED memo 2.)Citizen Email	<b>TABLED</b>
14	Repeal CHAPTER 133 Taxicabs	I move to request repeal of Chapter 133 Taxicabs of the Code of St. Mary's County, Maryland.		M: Comm. O'Connor S: Comm. Morgan V: <b>5-0 PASS</b>

15	Repeal CHAPTER 136 Trailers	I move to request repeal of Chapter 136 Trailers of the Code of St. Mary's County, Maryland.	1.)Letter to health department 2.) HD response 3.)LUGM response 4.)Citizen Email	M: Comm. O'Connor S: Comm. Hewitt V: <b>4-1 PASS</b>
16	Repeal CHAPTER 144 Vocational Training Facility	I move to request repeal of Chapter 144 Vocational Training Facility of the Code of St. Mary's County, Maryland		M: Comm. O'Connor S: Comm. Jarboe V: <b>5-0 PASS</b>
17	St. Mary's County Board of Education Term Limits	I move to request enactment of the proposed legislation limiting terms for the St. Mary's County Board of Education.	1.)Letter to Board of Education 2.)BOE response 3.) Public Comment	M: Comm. O'Connor S: Comm. Jarboe V: <b>5-0 PASS</b>
18	Operation of Golf Carts on Public Roads	1.I move to request enactment of the proposed legislation authorizing an ordinance regulating operation of golf carts on certain public roads. 2.I make a motion to table.	1. Public Comment	1.M:Comm. O'Connor S: NONE....DIED 2.M:Comm. Jarboe S:Comm. Morgan V: <b>2:3 FAIL</b>
19	St. Mary's County Open Meetings Act- Closed Session	I move to request enactment of the proposed legislation prohibiting disclosure of content of a closed session.		M: Comm. O'Connor S: Comm. Hewitt V: <b>3-2 PASS</b>
20	St. Mary's County Sheriff's Department – Collective Bargaining	I move to request enactment of legislation authorizing collective bargaining by deputy sheriffs	1.)Letter from FOP #7 2.)Letter to Sheriff 3.)Letter from Sheriff	M: Comm. O'Connor S: Comm. Morgan V: <b>2-3 FAIL</b>

		<b>SUPPORT</b>		
1	St. Mary's County Alcohol & Beverage Board	<p>1. I move to oppose §20-109 of the St. Mary's County Alcohol Beverage Board's legislative proposals. a.) §20-109</p> <p>2. I move to express support for the St. Mary's County Alcohol Beverage Board's Legislative Proposals to Article 2B, bravo, charlie, delta, and echo as presented. b.)§8-410.4 c.)§16-507 d.)§10-104 e.)§8.410.5</p>		<p>1. M: Comm. Jarboe S: Comm. Morgan <b>V: 4-1 PASS</b></p> <p>2. M:Comm. Jarboe S: Comm. Morgan <b>V: 5-0 PASS</b></p>
2	Cost of Care of Abused Animals	I move to express support for 2015 HB362 (3 <sup>rd</sup> reader) for the 2016 session.		<p>M: Comm. Hewitt S: Comm. Morgan <b>V: 5-0 PASS</b></p>
3	St. Mary's County Personal Property Tax	I move to express support for the personal property tax exemption for St. Mary's County, Maryland.		<p>M: Comm. O'Connor S: Comm. Jarboe <b>V: 2-3 FAIL</b></p>
		<b>METCOM</b>		

1	Metcom	I move to express support for an amendment to Chapter 113.6 Sanitary Districts-Bonds; authorized, restriction, issue - permitting bond maturity up to 40 years from date of issue.	1.)Letter to Metcom 2.)Metcom Response 3.)Chapter 113	M: Comm. Hewitt S: Comm. Jarboe <b>V: 5-0 PASS</b>
		<b>NEW ITEMS</b>		
1	Chapter 131-Tax Exemptions Proposed by Comm. Jarboe	I move to accept Chapter 131 Tax Exempt as written for the amendment to be taken forward by the Delegation.	1.)DED Chapter 131 proposed amendment	M: Comm. Jarboe S: Comm. Morgan <b>V: 2-3 FAIL</b>
2	HB 134 Proposed by Comm. Jarboe	I move we move forward with House Bill 134 clearly written in the language with the exception that we change Charles County to St. Mary's County.	1.)2015 HB 134	M: Comm. Morgan S: Comm. Jarboe <b>V: 5-0 PASS</b>

**B. OFFICE OF THE COUNTY ATTORNEY - Resolution to Delegate Authority to the Commissioner President**

**Present:** George Sparling, County Attorney

The proposed resolution will delegate authority to the Commissioner President to approve documents in the nature of “ministerial acts.” The purpose is to increase governmental efficiency. The following items may be executed by the Commissioner President: (1)Execution of budget amendments for amount not exceeding One Thousand Dollars approved by the Chief Financial Officer; (2) Execution of acceptance grants substantially in compliance with applications previous approved by the Commissioners and approved by the Chief Financial Officer; (3) Execution of agreements and documents related to a transaction previously approved by the Commissioners and approved by the County Administrator and when appropriate, for form and legal sufficiency by the County Attorney; (4) Execution and approval of agreements,

documents, certifications and reports required in connection with provision of funding to the Commissioners of St. Mary's County by the Federal or State governments or by intergovernmental or regional agencies approved by the County Administrator; and (5) Confirmatory and corrective and documents approved by the County Attorney.

I move that the proposed Resolution authorizing the Commissioner President to perform specified ministerial acts be adopted.

Motion by Commissioner Todd B. Morgan, second by Commissioner John E. O'Connor.

Final Resolution: Motion Carries

Yea: Commissioners Guy, Hewitt, Jarboe, Morgan, O'Connor

**C. FINANCE** - Presentation of the FY2015 Audit and acceptance by the Commissioners of St. Mary's County

**Present:** Murphy & Murphy, CPA, LLC

Tim Murphy, Partner

Lisa Brown, Auditor in Charge

Mr. Murphy noted that the audit was performed in accordance with Government Auditing Standards, and the results of the audit disclosed no instance of noncompliance or other matters that are required to be reported under those standards. The result was an unmodified opinion or clean opinion, the highest one available. He recommended the Commissioners of St. Mary's County consider applying for the Comprehensive Annual Financial Report Award.

I move that we accept the report of the independent auditor on the financial statements of the Commissioners of St. Mary's County for fiscal year 2015, as presented.

Motion by Commissioner John E. O'Connor, second by Commissioner Michael L. Hewitt.

Final Resolution: Motion Carries

Yea: Commissioners Guy, Hewitt, Jarboe, Morgan, O'Connor

**D. DEPT OF LAND USE AND GROWTH MANAGEMENT** - Approve Resolution to extend time for CSMC action on the Lexington Park Development District Mater Plan (LPDDMP)

**Present:** Phil Shire, Director, Dept. of Land Use and Growth Management

The LPDDMP is currently in the middle of the Commissioners of St. Mary's County public hearing process (Hearing conducted on Dec 8). Recently adopted state law, Chapter 288 (formerly HB 919), allows local elected officials to amend and adopt, modify, remand or disapprove comprehensive plans within a 90-day period, with a single 60-day extension approved by resolution. The Department of Land Use and Growth Management is

requesting the proposed resolution be approved extending action on the LPDDMP to March 1, 2016.

I move that the resolution to extend time for CSMC action on the Lexington Park Development District Master Plan for an additional 60 days be adopted."

Motion by Commissioner John E. O'Connor, second by Commissioner Todd B. Morgan.

Final Resolution: Motion Carries

Yea: Commissioners Guy, Hewitt, Jarboe, Morgan, O'Connor

#### **4. PRESENTATIONS**

##### **A. MARYLAND PARK SERVICE - Presentation of Newtowne Neck State Park Master Plan**

**Present:** Mary Owens, Chief of Planning, MD Park Service  
Christy Bright, Park Manager

Ms. Owens provided a comprehensive overview of the Newtown Neck State Park Master Plan. The park consists of 776 acres of agricultural fields, forests, meadows, marshes, and sandy beaches and is surrounded by Breton Bay, the Potomac River and St. Clement's Bay. The plan calls for ten miles of trails, two comfort stations, two kayak launches, two paddle-in campsites, beach access, fishing areas, a Natural Resource Police and transient pier, and parking to accommodate up to 100 vehicles.

##### **B. DEPT OF LAND USE AND GROWTH MANAGEMENT - Presentation of process for creation of a small-area master plan for the North County Town Center**

**Present:** Phl Shire, Director, Dept. of Land Use and Growth Management

Mr. Shire explained the process for creation of a small-area master plan for the North County Town Centers. When developing a plan, all Federal and State requirements for Master and Small Area Plans will be followed along with consideration of the desires and concerns of the community, and recommendations from the Commissioners. Findings regarding sewerage disposal, development capacity, traffic capacity, and implications of historic and cultural resources will be presented to the Planning Commission. The Planning Commission will then draft a plan based on those findings and community needs assessments. Once a plan is drafted, the Planning Commission will conduct public hearings to receive additional community input prior to forwarding their Draft North County Town Center Plan to the Commissioners of St. Mary's County. The Commissioners will then conduct public hearings to revise and finally adopt the Plan.

#### **5. COMMISSIONER'S TIME**

The Commissioners highlighted events attended over the past week, provided general comments and wished citizens a Safe and Happy Holiday.

**6. LUNCH/RECESS**

**7. FY 2017 BUDGET WORK SESSION**

The Commissioners conducted a FY2017 Budget Work Session.

**8. ADJOURN**

The meeting adjourned at approximately 4:00 pm.

Minutes Approved by the Commissioners of St. Mary's County on \_\_\_\_\_

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Sharon Ferris, Senior Administrative Coordinator (Recorder)